IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 15525 of 2004

Between:

Gandhi Nagar Municipal Park Visitors Welfare Association, Regd.No. 482/04, Kakinada.
Rep. by its President Kovvuri Subba Reddy S/o. Veeraraghavareddy, Aged about 46 Years, Hindu,
R/o. Gandhinagar, Kakinada, East Godavari District.

..... PETITIONER

AND

1 Sri Satya Sai Multi Specialities Hospital Research Center, Rep. by its Managing Partner Dr. Pindi Lakshmana Murthy,
S/o. Seetharamayya, Aged 60 Years, Medical Profession, Pratapnagar,
Kakinada, East Godavari District.
2 The Commissioner, Kakinada Municipality,
Kakinada, East Godavari District.
3 The Town Planning Officer, Kakinada Municipality,
Kakinada, East Godavari District.
4 The Secretary, A.P. Pollution Control Board,

Hyderabad, A.P.

5 The Chairman, A.P. Water Prevention & Control Board, Hyderabad, A.P.

6 The Advisory Committee, Under Bio-Medical Waste (Management & Handling) The State Pollution Control Board, Hyderabad, A.P.

7 The Director, Fire Service Department, Kakinada, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the permission granted by the 2nd respondent in his proceedings B.A.No.347/03, G-2, Dated 14-07-2003 as illegal, arbitrary, contrary to law and hence restraining the 1st respondent from functioning of the Hospital in respect of premises bearing Door No. 8-7-2.

Counsel for the Petitioner: MR.K.SUBRAHMANYAM

Counsel for the Respondent No.1: MR. P. RAJGOPAL FOR MR.MANOHAR REDDY NANDYALA.

Counsel for the respondent Nos.2 & 3: MR. SRINIVAS DAMMALAPATI.

Counsel for the respondent Nos.4, 5 & 6: Mr. S.V. Bhatt.

Counsel for the respondent No.7: G.P. for Home.

The Court made the following:

ORAL ORDER:

(Per Hon'ble The Chief Justice)

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1 . One Kovvuri Subba Reddy, claiming himself to be President of Gandhinagar Municipal Park Visitors Welfare Association, has filed this writ petition questioning the legality and validity of the permission granted by 2nd respondent through proceedings dated 14.07.2003 as illegal and arbitrary and thereby restraining 1st respondent from functioning the hospital in respect of the premises bearing Door No.8-7-2. By proceedings dated 14.07.2003, Kakinada Municipality granted permission for construction of further floors to the hospital building subject to certain conditions.

2. Petitioner claims that respondent No.1 cannot proceed with construction work since it has not obtained clearance and permission from the Fire Service Department and permission has not been obtained from State Water Board for Prevention & Control of Water Pollution or from the A.P. Pollution Control Board under Bio-Medical Wastes (Management and Handling) Rules, 1998.

3. We have questioned learned counsel for the petitioner to show us any

provision under which any permission as referred to by him in the petition is required to be obtained before commencing construction work of the building to be utilised as hospital. He has not been able to show any such provision that permission has to be obtained by respondent No.1 for construction work of the building to be utilised as hospital, barring the permission required to be obtained from the concerned Municipality which, as noticed above, has already been accorded on 14.07.2003 subject to conditions, which also includes that respondent No.1 shall provide fire fighting equipment to prevent fire accident and shall provide storm water drain, drainage by sewerage water supply and electricity, etc.

4. It is also to be noticed that petitioner, who claims to be the President of the Association, himself is personally interested in the matter, since according to his own allegations he has filed a civil suit against 1st respondent for injunction, which is pending in the Court of I Additional Junior Civil Judge, Kakinada. In the said suit petitioner is stated to have prayed for injunction restraining 1st respondent from interfering with his possession and enjoyment of the property abutting the compound wall of the petitioner. We may also notice one fact that permission, which is sought to be questioned by the Association, was granted in the year 2003, whereas Association was registered vide Registration No.482/2004.

5. On the mere allegations made in the petition, it appears that it is nothing but a personal interest litigation than a public interest litigation. Hence we dismiss the writ petition with costs of Rs.5,000=00 (Rs. Five thousand only) payable to A.P. State Legal Services Authority, High Court Premises, Hyderabad.

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DEVINDER GUPTA. C.J.,

C.V. RAMULU. J.,

Dated: 07.09.2004.

VRK.

To

1 Dr. Pindi Lakshmana Murthy, Managing Partner,
Sri Satya Sai Multi Specialities Hospital Research Center, Pratapnagar,
Kakinada, East Godavari District.
2 The Commissioner, Kakinada Municipality,
Kakinada, East Godavari District.
3 The Town Planning Officer, Kakinada Municipality,
Kakinada, East Godavari District.
4 The Secretary, A.P. Pollution Control Board,
Hyderabad, A.P.
5 The Chairman, A.P. Water Prevention & Control Board,
Hyderabad, A.P.
6 The Advisory Committee Under Bio-Medical Waste

(Management & Handling), The State Pollution Control Board, Hyderabad, A.P.

7 The Director, Fire Service Department, Kakinada, East Godavari District.

8. Two CCs to G.P. for Home, High Court buildings, Hyderabad (OUT).

9. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE C.V. RAMULU.

W.P.NO. 15525 OF 2004.

(Order of the Bench delivered by

Hon'ble The Chief Justice)

Dt: 07.09.2004.

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